

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ALANA SOUZA a/k/a ALANA CAMPOS, et al.,

Plaintiffs,

v.

No. 2:21-cv-00536 MIS/GJF

GRAND AVENUE ENTERPRISES, LLC
doing business as EPIQ NIGHTCLUB, and
DOES 1 through 20, inclusive,

Defendants.

**ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDED
DISPOSITION ON DEFENDANT’S MOTION TO REQUIRE JOINDER OF PARTIES**


THIS MATTER is before the Court on Magistrate Judge Gregory J. Fouratt’s Proposed Findings and Recommended Disposition (PFRD) (ECF No. 40), which recommended denying Defendant’s Motion to Require Joinder of Parties (ECF No. 24). The PFRD notified the parties of their ability to file objections within fourteen days. This deadline has now passed without either party objecting to the PFRD.

The PFRD concluded that Plaintiffs—“who allege that Defendant wrongfully used their images to market its nightclub through social media posts”—are not required to “add as defendants the ‘visiting disk jockeys’ (DJs) who created some of the advertisements that Defendant posted.” PFRD at 1. Specifically, the PFRD found that “Defendant has not met its burden to show that the visiting DJs are required parties under Rule 19” of the Federal Rules of Civil Procedure. *Id.* at 7. Consequently, the PFRD recommended against “ordering Plaintiffs to join the DJs to this lawsuit.” *Id.* at 7–8. Having reviewed the PFRD, and noting that the parties have filed no objections thereto, the Court concurs with the PFRD.

“A party’s objections to [a PFRD] must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review.” *U.S. v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The parties’ failure to timely object to the PFRD thus waives appellate review of both factual and legal questions. *In re Key Energy Res. Inc.*, 230 F.3d 1197, 1199–1200 (10th Cir. 2000); *One Parcel of Real Prop.*, 73 F.3d at 1059.

IT IS THEREFORE ORDERED that (1) the PFRD (ECF No. 40) is **ADOPTED** and (2) Defendant Grand Avenue Enterprises, LLC’s “Amended Motion to Require Plaintiff[s] to Join Parties, or, if such Parties Cannot Be Joined, to Dismiss Action” (ECF No. 24) is **DENIED**.

IT IS SO ORDERED.



MARGARET STRICKLAND
UNITED STATES DISTRICT JUDGE